



San Bruno City Hall on the move “Temporarily”
1111 Bayhill Drive 4th Floor Suite 480 in San Bruno
(650) 616-7058

San Bruno Police Department has moved to:
Police Plaza, 1177 Huntington Avenue, next to the new BART station.
All phone numbers remain the same, (650) 616-7100

CITY COUNCIL REGULAR MEETING

MINUTES

FEBRUARY 11, 2003

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in Regular Session at the San Bruno Senior Center at 1555 Crystal Springs Road. The meeting was called to order at 7:00 pm.

Mayor Franzella thanked the San Bruno Garden Club for the beautiful floral arrangement that they provided for tonight’s meeting.

ROLL CALL:

Recorded by Deputy City Clerk Vicky Hasha, present were Mayor Franzella presiding; Vice Mayor Pallas, Councilmembers Ibarra, O’Connell, and Ruane.

PLEDGE OF ALLEGIANCE:

Mayor Franzella asked **Police Lieutenant Noreen Hanlon** to lead us in the pledge of allegiance.

ANNOUNCEMENTS:

a. Councilmember O’Connell gave brief report after attending **FEMA Integrated Emergency Management Training**. Councilmember O’Connell and a group of City Staff, representing almost every department, traveled to Emmitsburg Maryland the week of February 3rd, for this training. She remarked that it was an invaluable experience and that a more detailed report and recommendations will be brought to the Council soon.

b. Mayor Franzella announced that the **Fire Department** will be presenting information on the upcoming Inspection Program of all hotels, motels, lodging houses, apartment houses, and multi-unit dwellings at a **community information meeting** scheduled for Wednesday, February 19, 2003 at 7:00 p.m. at the Senior Center. Property owners and managers of these occupancies are invited to attend. For further information please call 616-7096.

REVIEW OF AGENDA: no changes.

APPROVAL OF MINUTES: Minutes dated January 28, 2003, approved as submitted.

CONSENT CALENDAR:

- a. **Approve: Payroll** of January 31, 2003.
- b. **Approve: Accounts Payable** of January 21, and 27, 2003.
(Council packets only, copy is available for review at the City Clerk's office)
- c. **Adopt:** Resolution modifying City Manager's employment contract, and authorizing, affirming, and ratifying Mayor's authority to execute employment agreement between the City of San Bruno and Frank E. Hedley and authorizing Mayor to present this resolution to PERS Board requesting action to allow employment extension. Recommended by Council Ad Hoc Executive Search Committee. (Franzella/O'Connell)
- d. **Adopt:** Resolution urging the California Legislature to reject the Governor's proposed shift of Local Vehicle License Fee (VLF) revenues and to honor the 1998 Commitment to restore the VLF to Cities.
- e. **Adopt:** Resolution authorizing installation of red curb zones in front of 2400 Rosewood Drive. (Bethany Presbyterian Church).
- f. **File:** letter to Council dated 02/02/03 from Robert M. Riechel of 7th Ave. requesting follow-up to flooding on 7th Avenue.

END OF CONSENT CALENDAR

Resident Robert Riechel, of 7th Avenue, pulled Item 4f.

M/S Ruane/O'Connell, to approve the remainder of the Consent Calendar, excluding Item 4f. Passed unanimously.

Item 4f: Mr. Riechel spoke on behalf of residents on 7th Avenue who have recently been flooded. He gave a brief update on the communications he has had since the last Council Meeting with the County of San Mateo and the San Francisco Airport.

M/S Ibarra/Ruane, to approve Item 4f. Passed unanimously.

PUBLIC HEARINGS: Notices were published, posted and mailed:

San Bruno City Council considers for adoption a resolution approving the forming and joining of the **Bay Area Water Supply and Conservation Agency (BAWSCA)**. **Public Works Director Scott Munns** outlined the proposed resolution. He noted that upon approval, recommendations to appoint a board member representative to the two agencies created by this legislation, will be brought to the February 25th meeting.

M/S O'Connell/Ibarra, to close the Public Hearing. Passed unanimously.

Councilmember O'Connell introduced Resolution 2003-15 for adoption. Passed unanimously by a roll call vote.

Notice of upcoming Public Hearing: On Tuesday February 25, 2003, the City Council will meet to take action on adoption of a negative declaration and the City of San Bruno Housing Element. The City of San Bruno is preparing a Housing Element for the 1999-2006 planning timeframe, and has determined that the project will not result in significant environmental impacts.

UNFINISHED BUSINESS:

Receipt of letter dated January 22, 2003 from Martha Poyatos, Executive Officer for the **Local Agency Formation Commission. (LAFCO)** San Bruno is being noticed of a proposed amendment to the Sphere of Influence of the **San Mateo County Mosquito Abatement District** and Annexation to make District boundaries coterminous with County Boundaries. Agency is requesting Cities submit comments to the LAFCO office by February 19, 2003. **Finance Director Jim O’Leary** gave an overview pointing out that complete information regarding the proposed services and their cost directly to San Bruno residents has not been provided to the City. **City Manager Frank Hedley** recommended that the Council reply to the district with initial comments by the February 19th deadline and indicate that further comments will be made as information is unveiled. **M/S O’Connell/Ruane**, concur with the recommendation. Passed unanimously.

CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS:

a. Routine or previously budgeted items not requiring a staff presentation unless requested by a Councilmember.

1. Chief of Police Lee Violet recommends that the City Council authorize the City Manager to purchase 58 Safariland Matrix 2 Platinum Vests from **Armor Holdings** for a total cost of \$17,579.80. (Personal protection vests)
M/S O’Connell/Ibarra, to approve. Passed unanimously.

b. Non-budgeted or amendments to previously approved expenditures requiring staff presentation to City Council. All items are recommended by **Public Works Director Scott Munns**.

1. City Council approve an amendment and authorize the City Manager to amend the consultant agreement with **Brandon Consulting Inc.**, in the additional amount of \$70,000 for engineering services.
M/S Ibarra/Ruane, to approve. Passed unanimously.

2. City Council approve an amendment and authorize the City Manager to amend the consultant agreement with **BKF Engineers** for an additional amount of \$48,000 for The Crossing Development.
M/S Ruane/ Ibarra, to approve. Passed unanimously.

3. City Council approve an amendment and authorize the City Manager to amend the consultant agreement with **Zumwalt Engineering Group** for an additional amount of \$10,000 for engineering and traffic engineering services.
M/S Ibarra/Ruane, to approve. Passed unanimously.

4. City Council approve and award contract for construction of the **Engvall Relief Sewer Project**, to the lowest responsible bidder, **Northwest Construction Company**, in the amount of \$1,087,080.
M/S Ruane/Ibarra, to approve. Passed unanimously.

5. City Council approve and authorize an **emergency bidding procedure** and award of contract to install sewer lateral check valves on 19 residential laterals tied into the 7th Avenue sewer main. Award the construction contract to **West Valley Construction** in the amount of \$31,625. Funds to be appropriated from the Wastewater Enterprise Capital Fund.

City Attorney Pamela Thompson clarified this process pointing out that the purpose of the public contract code is to require Cities to get the best value in the fairest way and competitive bidding is the mechanism for that. State Law admits exceptions where competitive bidding not in the best interest of the public and this may be one of those instances. She advised that the Council follow three steps in their analysis **(1)** A 4/5 vote is necessary to waive the bidding requirements. **(2)** The following two-part test must be met. **(a)** Findings must be based on substantial evidence as presented to you by the Public Works Director showing that the emergency will not permit a delay resulting from a competitive solicitation for bids. **(b)** That the action is necessary to respond to the emergency. **(3)** Findings must be made based on facts presented to you. They would include, You need to make those findings based on the facts presented to you. The facts here would include such things as by waiting for a public bidding process that you would be adding a risk of damage that the citizens would incur in that area through sewer backups and that it would impair their health and safety as well as creating a liability to the City. One of those risk factors being that of course we cannot control the weather and if there are future storms the additional risk and damage would be out of our control. Those are facts that would support the action. **Public Works Director Scott Munns** made a slide and oral presentation, outlining the proactive intentions of this recommendation.

Robert Riechel, 7th Ave., as one of the affected residents in this situation, urged the Council to approve this item.

M/S Ruane/O’Connell, that the Council recognizes that this is an emergency. Passed unanimously

M/S Ibarra/Ruane, to waive the bidding requirements and approve the recommendation. Passed unanimously.

COMMUNICATIONS:

Letter dated January 31, 2003 from Cathy E. Greswell, Deputy Director of the **Department of Housing and Community Development** acknowledging receipt of the City of San Bruno’s draft housing element. After review, she is pleased to find the City of San Bruno’s draft housing element meets the requirement of State housing element law (Article 10.6 of the Government Code).

STAFF REPORTS: None

REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Carolyn Livengood, Sheryl Dr., eulogized long time resident **Betty Raff** who recently passed away. She noted the many and invaluable contributions she made to the community through her tireless efforts and commitment to the betterment of San Bruno.

Mayor Franzella stated that he also had the pleasure of serving with Betty on the Citizens Crime Prevention Committee. He also emphasized that her passing is a great loss to the community and extended the sympathy of the Council to her family.

REPORT OF COMMISSIONS, BOARDS & COMMITTEES:

Oral Updates:

a. Beautification Task Force (O'Connell): Next meeting is scheduled for February 12, 2003, at 5:15 p.m., at 1111 Bayhill Dr., in the Suite 480 Conference Room. Also mark your calendars for Operation Clean Sweep which will be on Saturday May 3rd.

b. Citizens Advisory Committee for Caltrain Preferred Grade Separation and Station Design (Ibarra/Ruane): Next meeting is scheduled for Thursday, February 20, 2003, at Belle Air School, starting at 6:00 p.m.

Councilmember Pallas brought up a map that was raising some eminent domain concerns in relation to this project.

Councilmember Ruane clarified things by saying that one of Caltrain's consultants, People for Public Spaces, has projected very far into the future to see how they can make the Caltrain Grade Separation more of a public space. These ideas are only possibilities fifteen or twenty years down the road. He stressed that there never been any formal discussion about taking any properties. One of the potentially affected business owners did attend a recent meeting and was very satisfied with the information.

Jim Kelly, Oak Ave., feels that all of the owners of the potentially impacted properties should be kept informed so they may attend related meetings. The fact that these changes are illustrated in a map at all raises concerns.

c. Facilities Needs Assessment Ad Hoc Committee (Ruane/O'Connell):

Councilmember O'Connell reported that they did meet with representatives from the San Bruno Park School District to discuss draft plans for additional parking on Linden Ave. After minor changes were made, it was agreed to go forward. The Ad Hoc Committee will bring final plans to the Council for approval soon.

Councilmember Ruane announced that after years of hard work, the City of San Bruno has achieved a 51% diversion rate of solid waste. It was mandated that the City reach 50% diversion, so he congratulated citizens and staff for this great accomplishment.

NEW BUSINESS:

Mayor Franzella stated that a dog has recently been mauled by two pit bulls and in the aftermath the Peninsula Humane Society has required the owners of the pit bulls to register them as vicious dogs. In light of the fact that we have so many restrictions in place by Ordinance relating to the types of animals residents may have in City limits, he questions that we would allow a vicious dog permit to be issued. He is aware that this is done at the County level, however, he would like staff to look into this and see what sort of action might be taken to avoid these situations from existing past the first offense.

CLOSED SESSION: None

ADJOURNMENT:

There being no further business to transact, the meeting at 8:38 pm, adjourned to Tuesday, February 18, 2003 at 6:00 p.m., for the purpose of a **Council Study Session** to review alternative uses of property located at 470 San Mateo Ave. (former Wells Fargo Bank site). Meeting will be held at T.R. Italian Restaurant 466 San Mateo Avenue. Thereafter, will adjourn to regular City Council meeting on Tuesday, February 25, 2003, at 7:00 p.m. at the San Bruno Senior Center, 1555 Crystal Springs Road.

Mayor Franzella adjourned tonight's meeting with a moment of silence in memory of

Betty Raff

and also the widow of long-time former San Bruno City Clerk (1958-1975) Carl Hultberg

Lennea Hultberg

City Council and Staff express their sincerest condolences to the families of both women.

The foregoing minutes were
approved by the San Bruno
City Council at a regular meeting
held on February 25, 2003.

Respectfully Submitted for Approval,

Vicky S. Hasha, Deputy City Clerk

Larry Franzella, Mayor